

### **REMARKS**

Claims 1-31 remain pending in the present application. The claims have not been amended in response to the Office Action.

### **REJECTION UNDER 35 U.S.C. § 103**

Claims 1-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tomcik, et al. (U.S. Pat. No. 6,567,388), filed March 5, 1999. The Examiner agrees that Tomcik, et al. does not disclose, teach or suggest enabling utilization of the requested data. The Examiner justifies this lack of disclosure by stating that Tomcik, et al. discloses a second acknowledge sequence such as steps 640, 650 and 660. The problem with this logic is that none of the acknowledge sequences in Tomcik, et al. is a utilization acknowledgement in response to receiving a delivery confirmation. Tomcik, et al. simply lets the base station know it did not receive the data and therefore it should be retransmitted. After a specified number of retransmissions, the data is ignored. Thus, the base station never knows if the data was correctly received, it can only assume it. If the base station does not receive a retransmission request, does this mean the data was received? Absolutely not! While it could be assumed that the data was received, the mobile station may have been turned off, it may have lost battery power or for some reason, it may have lost communication with the base station. Receiving a receipt acknowledgement and then transmitting a utilization acknowledgement is a 100 percent guarantee that the data has been received. The present invention is related to reliable billing of content. Thus, in order to not bill for

non-delivered content, there must be 100 percent guarantee that the data was indeed delivered.

The Examiner has also equated the deliver of multiple NAKs to the sending of a delivery confirmation by the present invention. The Examiner's logic is that "The probability that one of the retransmitted frames will be successfully received increases dramatically by retransmitting identical frames several times in close succession to each other." While this may be true, the probability will increase but the only way to be 100 percent certain of the delivery of the content is by sending a delivery confirmation followed by the utilization acknowledgement. As discussed above, our system is designed for billing customers and thus there is the need for total confirmation of delivery.

The present invention has several steps. A certain first device, such as a mobile device, requests content over a communication link to a second device, such as a content provider. Then, the first device receives the requested content from the second device. The first device sends a first acknowledgement that acknowledges successful receipt of the entire requested content. After that, the first device receives a second acknowledgement from the second device. This happens, for example, after the second device receives the first acknowledgement from the first device. Then, in response to receiving the second acknowledgement, the first device can utilize the requested content.

The cited art, Tomcik, et al. (U.S. Pat. No. 6,567,388), discloses that negative-acknowledgement message (NAK) are transmitted to a transmitter from a receiver when an unsuccessfully received data frame is received at the receiver. Then, when the

transmitter receives the NAK, a duplicate copy of the data frame is retransmitted to the receiver (column 6, lines 18-40).

In addition, the cited art discloses two embodiments. In a first embodiment shown in FIG. 5 and column 12, lines 12-56, a mobile unit 10 corresponds to the transmitter, and a base station (BTS) 12 corresponds to the receiver. The mobile unit (transmitter) 10 transmits data frame without any requests from the BTS 12 at step 510. If the data frame is not successfully received at the BTS 12 at step 520, a single NAK is sent by the BTS 12 to the mobile unit 10, requesting that mobile unit 10 retransmits frame 70. That is, the BTS 12 sends NAK if the data frame is not successfully received. Then, when the mobile unit 10 receives the NAK, the mobile unit 10 retransmits a plurality of duplicate copies of the transmitted data frame at step 550. In step 560, the data frame can be successfully received at the BTS 12 because receiving several data frames increases the probability of successful reception. However, after successfully receiving the data frame, the BTS 12 does not send any further acknowledgement.

In another embodiment shown in FIG. 6, the transmitter and the receiver are just reversed from the first embodiment. That is, the BTS 12 corresponds to the transmitter, and the mobile unit 10 corresponds to the receiver.

In short, the cited art merely discloses that (1) receiving content at step 520, (2) sending an acknowledgement at step 530, and (3) receiving retransmitted copies of the content at step 560.

The cited art does not disclose that (a) requesting content over a communication link, (b) sending a first acknowledgement that acknowledges successful receipt of the

entire requested content, (c) receiving a second acknowledgement, and (d) enabling utilization of the requested content in response to the second acknowledgement.

Especially, the cited art does not disclose, suggest, or teach receiving the second acknowledgement, and enabling utilization of the requested content in response to the second acknowledgement. The cited art merely retransmits copies of the content, not another acknowledgement, which is different from the requested content.

In the cited art, the NAK is transmitted to the transmitter in order to receive the content itself from the transmitter. Therefore, the copies of the original data frame are merely retransmitted to the receiver, not another acknowledgement.

However, in the present invention, after successful receiving of the requested content and sending a first acknowledgement, a second acknowledgement is received to enable the content to use.

Thus, Applicant believes Claims 1-31, as pending, patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

## **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the

Respectfully submitted,

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